

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

BOBBY R. KNOX, JR.,)	
)	
Petitioner,)	
)	
v.)	1:14CV249
)	
FRANK L. PERRY,)	
)	
Respondent.)	

ORDER AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Petitioner, a prisoner of the State of North Carolina, submitted a petition under 28 U.S.C. § 2254 for writ of habeas corpus by a person in state custody, together with an application to proceed *in forma pauperis*. For the following reasons, the Petition cannot be further processed.

1. Petitioner sets out no claims for relief, but instead leaves the claims portion of his Petition blank.
2. Petitioner is already pursuing a § 2254 petition in case 1:14CV185 as to the same convictions listed in the present Petition. The Court instructed Petitioner previously that all challenges to these convictions must be raised in that case. Petitioner should not file new cases challenging those same convictions. He must raise all challenges to these convictions in case 1:14CV185 and place that case number on any document he wishes to have filed in that case.

Because of these pleading failures, the Petition should be filed and then dismissed, without prejudice to Petitioner filing a new petition on the proper habeas corpus forms with the \$5.00 filing fee, or a completed application to proceed *in forma pauperis*, and otherwise

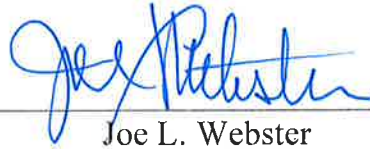
correcting the defects noted. The Court has no authority to toll the statute of limitation, therefore it continues to run, and Petitioner must act quickly if he wishes to pursue any additional claims. See Spencer v. Sutton, 239 F.3d 626 (4th Cir. 2001).

In forma pauperis status will be granted for the sole purpose of entering this Order and Recommendation.

IT IS THEREFORE ORDERED that *in forma pauperis* status is granted for the sole purpose of entering this Order and Recommendation.

IT IS RECOMMENDED that this action be filed, but then dismissed *sua sponte* without prejudice to Petitioner filing a new petition which corrects the defects of the current Petition.

This, the 25 day of March, 2014.



Joe L. Webster
United States Magistrate Judge